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In re Application of: **Nesper, et al.**
Application No.: **10/731,284**
Filed: **December 9, 2003**
For: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: **3733**
Examiner: **R. Shaffer**


Sir:

Transmitted herewith is:

- ☒ A Response in the above-identified application (5 pages)
- ☒ Return receipt postage prepaid postcard;
- ☒ I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2007.**

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Very truly yours,


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Attorney Docket No.: **HOE-790**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Signature: Carol Prentice
Carol Prentice

RESPONSE

Dear Sir:

This Response is responsive to the Office Action mailed on October 4, 2007. Please amend the above-identified U.S. patent application as follows:

Summary

Claims 1-19 and 22-33 are pending. Claims 25, 26 and 29-33 are withdrawn.

As a preliminary matter, Applicants' counsel would like to thank the Examiner for the courteous telephone interview conducted on November 29, 2007, the details of which are set forth below.

Claims 1-24, 27, and 28 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. patent no. 7,238,188. Claims 1-24, 27, and 28 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of copending application no. 10/911,982, and claims 1-35 of copending application no. 11/702,258.